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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,528	09/24/2001	Hiroshi Sumiyama	325772026900	5299
25227 7590 10/31/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/960,528	Applicant(s) SUMIYAMA ET AL.	
	Examiner Yixing Qin	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 8/8/07 have been fully considered but they are not persuasive. The argument is that the Examiner does not show how one would combine Fischer and Takise to arrive at the claimed invention. The Examiner has previously cited the Fischer reference as having the capability to use a paper size as one attribute that can be determined in various printers, when deciding which printer to use. Fischer simply did not go into detail about whether there could be a printer that could handle different sizes. The Takise reference was cited to show that a printer that could handle different sized papers has been known. Since the Fischer reference teaches how to obtain attribute information about each printer, and the Takise reference discloses one such printer that has multiple size information, the combination of these references would result in an invention that would be able to perform the tasks as the applicant's claimed inventions (i.e. being able to query a printer with multiple size papers for the type of sizes it can handle and to choose such a printer if it is determined to be the best candidate for printing). The Examiner's intention is that the particular type of printer in the Takise reference can be added to the Fischer network in order for users to be able to print to a printer with more functionality than those in the Fischer network. Thus, the Examiner believes that the rejection as previously presented shows enough evidence to at least suggest the combination of the two references. The rejection is therefore maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (U.S. Patent No. 6,762,852) in view of Takise (U.S. Patent No. 5,353,222)

Regarding claims 1, 8 and 10, Fischer discloses an image processing apparatus that is connected to a plurality of printers through a network and that transmits a print job including image data to any of the printers, the image processing apparatus comprising:

a memory that stores paper sizes available in each printer connected to the network such that paper size information is associated to each printer; (Fig. 2)

The Fischer reference discloses a method of printing a document using the best available printer using criteria such as size (column 4, lines 48-56), but not multiple image size information.

Thus, it does not explicitly disclose "an obtaining unit that obtains multiple image size information regarding a print job;

a comparator that compares all of the image sizes in the print job with the paper sizes available in each printer to determine which-single printer is most compatible with the entire print job;"

However, Takise discloses in Fig. 3 various page formats. Column 6, lines 6-14 discloses the usage of a printer capable of printing multiple sizes.

Fischer and Takise are combinable because both are in the art of printing a document in using an optimal printer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a printing machine like that of Takise in Fischer's network to enable users to print jobs with different sized pages.

The motivation would have been to allow a user more customization when printing a particular document.

Therefore, it would have been obvious to combine Fischer and Takise to obtain the invention as specified.

Fischer also discloses a selector that selects a printer to which the print job is sent based on the comparison results obtained by the comparator; (Fig. 3, S5, S6, S8) and

a transmitter that transmits the print job to the selected printer selected by the selector. (Fig. 3, S9, S10)

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Regarding claim 2, Fischer discloses wherein the selector selects a printer that has all of the paper sizes that match the image sizes. (Fig. 3, S5, S6) Again, from claim 1 above, the Takise reference addressed the idea of having multiple page sizes in a print job.

Regarding claims 3, 9 and 11, Fischer discloses wherein the selector selects a printer that has the most paper sizes that match the image sizes. (Fig. 3, S5, S6, column 4, lines 57-60). Again, from claim 1 above, the Takise reference addressed the idea of having multiple page sizes in a print job.

Regarding claim 4, the secondary reference, Takise discloses "where none of the printers has all of the paper sizes that match the image sizes, the selector selects a printer that has a paper supply device through which paper of additional sizes may be inserted in the printer." (column 6, lines 6-34).

Regarding claim 5, Fischer and Takise suggest "notification means that notifies an user of that size of paper that is inserted in the paper supply device when the paper supply device is selected.." (Fischer discloses notification means to an user of features of printers in S8 of Fig. 3. Takise, as mentioned above, discloses a laser printer capable of different printing using different sized papers. Thus, it would have been obvious to simply display a notification of paper in a paper supply since that would be a feature of the printer of Takise. )

Regarding claim 6, the Takise reference suggests "wherein said device has notification means that notifies the user of all of the image sizes." ( Fig. 3 discloses the format information of each page stored in memory. It would be obvious to one of ordinary skill how to display these if it would be helpful to the user)

II. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (U.S. Patent No. 6,762,852) in view of Takise (U.S. Patent No. 5,353,222) and further in view of Shima (U.S. Patent No. 6,369,909).

The Fischer reference discloses a method of printing a document using the best available printer using criteria such as size (column 4, lines 48-56), but not multiple image size information.

It does not explicitly disclose "wherein data is communicated between the printers in order to store in the memory the information regarding the paper sizes available in each printer."

However, Shima discloses in the abstract that a printer can obtain performance attributes of other printers and relay it to a host. Fig. 13 and column 23, lines 58-67 and column 14, lines 1-13 discuss these attributes, one of which is paper size.

All references are combinable because both are in the art of using an optimal printer to print a document based upon document attributes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enabled printers in Fischer to communicate to each other.

The motivation would be to reduce the amount of work on a print server if one printer were able to gather information about other printers on the network and relay the attribute information of all the printers to a print server without necessarily having the print server querying all the printers for attribute information.

Therefore, it would have been obvious to combine all references to obtain the invention as specified.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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